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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,303	03/26/2001	Katsuichi Nakamura	FUJI 18.503	8882
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KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER				
MIRZA, ADNAN M				
ART UNIT		PAPER NUMBER		
2145				

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,303

Applicant(s)

NAKAMURA ET AL.

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/20/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1-3, 5-12 are rejected under 35 U.S.C. 102(e) as being unpatentable by Terrell et al (U.S. 2002/0188720).

As per claims 1 Terrell disclosed a network access control method for a network system comprising: network apparatuses having packet filtering functions; a service server connected with an IP network via the network: apparatus, providing a service to a user; a user terminal connected with the IP network via the network apparatus, for the user to utilize there through the service provided by said service server; a reception server connected with the IP network via the network apparatus (Page. 2, Paragraph. 0024), receiving an access from the user for said service server; and 20 an access control server controlling the network apparatus, said method comprising the steps of: a) said reception server receiving access request information from said user terminal, and holding it; and b) said access controlling server performing traffic control such as to extract, based on a processing capability of said service server and a traffic amount for said service server (Page. 2, Paragraph. 0023), such an amount of the access request information held by said reception server as that which said service server can optimally deal with, so as to allow the access for said service server (Page. 2, Paragraph. 0025).

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3. As per claim 3 Terrell disclosed a reception server comprising: an access list holding access request information from a user terminal; a user profile holding user information including a user class for each user; an access receiving part receiving an access from the user terminal (Page. 3, Paragraph. 0026); an access registering part registering access request information received via said access receiving part into said access list in order of the reception a user class extracting part extracting an IP address from the received access request information, and identifying the user by using the extracted IP address so as to extract the user class from said user profile (Page. 5, Paragraph. 0045); and a by-user-class registering part registering the access request information received via said access receiving part into said access list based on the user class extracted through said user class extracting part (page. 5, Paragraph. 0049).

4. As per claim 5 Terrell disclosed further comprising: an access confirming part determining whether or not the access request is to be registered in said access list, when waiting is needed, after receiving the access request from the user terminal; and a waiting confirmation inquiring part inquiring to the user for said access confirming part to make the determination (Page. 4, Paragraph 0036).

5. As per claim 6 Terrell disclosed an access control server comprising: a access information database holding information concerning a processing capability of a service server and a maximum permissible access number calculated based on the processing capability of the service server (Page. 3, Paragraph 0026); a traffic control part controlling a network apparatus; a static permissible access number calculating part calculating the maximum permissible access

number based on the information concerning the processing capability of the service server; and a filtering optimizing part reading such an amount of access request information from an access list holding the access request information from user terminals in a reception server (Page. 4, Paragraph 0034), from the top, as that for the maximum permissible access number, producing packet filtering setting information for the users making access requests to be able to access to the service server, and setting the produced information in the network apparatus via said traffic control part (Page. 5, Paragraph 0044).

6. As per claim 7 Terrell disclosed further comprising: a load and traffic monitoring part monitoring a load condition of the service server and a traffic condition of a network apparatus holding the service server; and a dynamic permissible access number calculating part-periodically performing communication with said load and traffic monitoring part so as to extract therefrom information of the load condition and traffic condition (Page. 4, Paragraph 0037), and calculate the maximum permissible access number therefrom, and, also, registering the calculated maximum permissible access number in the access information database (Page. Paragraph. 0048).

7. As per claim 8 Terrell disclosed further comprising: a control information database holding control information which is used as a guideline for reading the access request information from the access list; and a by-user-class access request reading part reading the access request information from the access list for each user class based on the control information extracted from said control information database (Page. 5, Paragraph. 0049), when

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the filtering optimizing part reads such an amount of the access request information from the access list as that for the maximum permissible access number, in a case where the access request information is registered in the access list by user class (Page. Paragraph. 0048).

8. As per claim 9 Terrell disclosed further comprising: an effective timer setting part setting an effective timer for the access request information when the packet filtering setting information is produced; and a filtering canceling part canceling the packet filtering control set in the network apparatus, when the effective timer has expired (Page. 5, Paragraph 0046).

9. As per claim 10 Terrell disclosed a service server connected with an IP network via a network apparatus and providing a service to a user, comprising: a session finish determining part determining that a session performed with a user terminal has finished; and a session finish reporting part reporting to an access control server that the session performed with the user terminal has finished (Page. 5, Paragraph. 0045).

10. As per claim 11 Terrell disclosed further comprising a user authenticating part determining, based on the user class extracted through the user class extracting part, whether or not the received access request is given from an un allowed user, and, reporting, when the access request is given from the un allowed user, this matter to the access control server (Page. 5, Paragraph 0045).

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11. As per claim 12 Terrell disclosed further comprising an access un allowance filtering setting part producing, based on a report from the user authenticating part of the reception server claimed in claim 11, the packet filtering setting information of access un allowance for the service server, and setting the produced information in the network apparatus (Page. 5, Paragraph 0045).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terrell et al (U.S. 2002/0188720) and Brown et al (U.S. 5,941,947).

As per claim 4 Terrell did not disclosed in detail further comprising: an estimated waiting time calculating part calculating an estimated waiting time, from the number of the users waiting, according to a position of said access list at which the access request received from the user terminal is registered; and an access information reporting part reporting the calculated estimated

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waiting time to the user, and reporting to the user that the access can be performed after the estimated waiting time has elapsed.

In the same field of endeavor Brown disclosed the access rights values of the access control matrix 300 are generally in the form of the privilege level masks, with each defined bit corresponding to a respective user privilege level. Fig 3B illustrates a preferred basic set of user privilege levels, and the bits of access rights values (col. 17, lines 5-11). Further, even if the access control matrix were divided and stored across multiple servers. The time required to search the access control matrix (to determine the rights of a user with respect to an object) would be long, and the user would therefore experience significant time delays when moving from object to object (col. 18, lines 51-56).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the access rights values of the access control matrix 300 are generally in the form of the privilege level masks, with each defined bit corresponding to a respective user privilege level. Fig 3B illustrates a preferred basic set of user privilege levels, and the bits of access rights values. Further, even if the access control matrix were divided and stored across multiple servers. The time required to search the access control matrix (to determine the rights of a user with respect to an object) would be long, and the user would therefore experience significant time delays when moving from object to object as taught by Brown in the method of Terrell to provide a technique that is suitable for flexibly controlling the access of a large number of users to a large number of data entities. A need also exists to be able to flexibly and efficiently

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define new types of access operations as new on-line services and new content entities are created (col. 2, lines 12-16).

Response to Arguments

Applicant's arguments filed 04/22/2005 have been fully considered but they are not persuasive.

Response to applicant's argument as follows.

13. Applicant argued that prior art did not disclose, "An access control server that applies access control based on determining a processing capability and traffic amount associated with the requested service server".

As to applicant's argument Terrell disclosed, "Communicatively coupled to a network core device via network device as shown. Those skilled in the art will appreciate, from the description to follow, the network edge services and/or incorporating the teachings of the present invention dynamically provision the differentiated services offered by and through core devices on an as-needed, as-authorized basis thereby minimizing the resources required of the network edge device and the network support differentiated services. More specifically, network edge devices and/or, in conjunction with a bandwidth broker, dynamically create and remote filters that when triggered, initiate an admission controlling provision and access to the differentiated services of data network" (Page. 2, Paragraph. 0023).

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14. Applicant argued that prior art did not disclose, "Applicant's reception server that registers and holds an access request in an access registering part until extracted by an access control server upon confirming that the user request may be optimally filled by the service server".

As to applicant's argument Terrell disclosed, "If controller determines that the necessary profile is not installed, controller determines that the necessary profile is not installed, controller forwards the trigger notification received from the filter to bandwidth broker looks up the received the trigger in the admissions policy database to identify an associated classifier profile. Once the appropriate classifier profile is identified it is sent to classifier via controller in an updated message" (Page. 5, Paragraph 0045).

15. Applicant argued that prior did not disclose, "The filter information determined by reference to the process capability of a service server".

As to applicant's argument Terrell disclosed, "Once in place, filter issues a trigger message to controller when data packets are received satisfying the criteria of an installed filter" (Page. 4, Paragraph 0034).

Conclusion

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

18. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)-272-6159. The fax for this group is (703)-746-7239.

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19. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

20. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

Am

Adnan Mirza

Examiner


PATRICE WINDER
PRIMARY EXAMINER